

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10264 of 2016

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Shakti Nath Jha, S/o Sri Shyam Nandan Jha, Resident of Mohalla Bal Krishna Colony, Near Bus Stand, P.S. Bettiah Town, District West Champaran
(Defendant No. 1 before the Tribunal/Borrower)

.... Petitioner

Versus

1. The Indian Bank, Bettiah Branch, Station Chowk, Supriya Road, Bettiah, West Champaran through its Senior Manager

(The applicant before the Tribunal)

2. The Senior Manager, Indian Bank, Bettiah Branch, Station Chowk, Supriya Road, Bettiah, West Champaran.

3. The Registrar, Debts Recovery Tribunal, Patna.

4. Shyam nandan Jha, S/o Late Kishori Lal Jha, Resident of Mohalla Bal Krishna Colony, Near Bus Stand, P.S. Bettiah Town, District West Champaran

(The defendant No. 2 before the Tribunal/mortgagor)

5. Jeetendra Kumar Singh, S/o Sri Jugal Kishore Singh, Resident of Mohalla – Dev Nagar, Banuchapar, P.S. Bettiah Muffasil, District West Champaran

(The defendant No. 3 before the Tribunal/guarantor)

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For Respondent-Bank : Dr. Binay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-06-2016

The present writ petition has been filed for quashing the judgment dated 28.01.2016 passed by Debts Recovery Tribunal, Bihar, Patna in O.A. No. 13 of 2015 whereby and whereunder it has been ordered that the applicant-Bank (respondent no. 1) is entitled to receive from defendants, jointly and severally its debts with interest, amounting to Rs. 10,97,573/- together with pendente lite and future interest at contractual rate from 06.01.2015 till realization of the entire sum due and recovery with costs; and for connected reliefs.

2. At the very outset, this Court takes note of the provisions

of Section 20 of the Recovery of Debts Due to Bank and Financial Institutions Act, 2000 which provides a statutory alternative remedy to the petitioner for redressal of his grievances. In that view of the matter, this Court is not inclined to enter into the merits of the claim of the petitioner.

3. The writ petition is accordingly dismissed with liberty to the petitioner to approach such appropriate forum as may be available to him in accordance with law.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
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